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S.33

An act relating to miscellaneous judiciary procedures

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 3 V.S.A. § 5014(f) is amended to read:

(f) Repeal. This section shall be repealed on June 30, 2027.

Sec. 2. 4 V.S.A. § 22 is amended to read:

§ 22. DESIGNATION AND SPECIAL ASSIGNMENT OF JUDICIAL
OFFICERS AND RETIRED JUDICIAL OFFICERS

(a)(1) The Chief Justice may appoint and assign a retired Justice or judge with the Justice's or judge's consent or a Superior or Probate judge to a special assignment on the Supreme Court. The Chief Justice may appoint, and the Chief Superior Judge shall assign, an active or retired Justice or a retired judge, with the Justice's or judge's consent, to any special assignment in the Superior Court or the Judicial Bureau.

(2) The Chief Superior Judge may appoint and assign a judge to any special assignment in the Superior Court. ~~As used in~~ For purposes of this subdivision, a judge shall include a Superior judge, a Probate judge, a Family Division magistrate, ~~or~~ a judicial hearing officer, or a judicial master.

* * *

1 Sec. 3. 4 V.S.A. § 27 is amended to read:

2 § 27. COURT TECHNOLOGY SPECIAL FUND

3 There is established the Court Technology Special Fund ~~which~~ that shall be
4 managed in accordance with 32 V.S.A. chapter 7, subchapter 5.

5 Administrative fees collected pursuant to 13 V.S.A. § 7252 and revenue

6 collected pursuant to fees established pursuant to sections 1105 and 1109 of

7 this title shall be deposited and credited to this Fund. The Fund shall be

8 available to the Judicial Branch to pay for contractual and operating expenses

9 and project-related staffing not covered by the General Fund related to the

10 following:

11 (1) ~~The~~ the acquisition and maintenance of software and hardware
12 needed for case management, electronic filing, an electronic document
13 management system, and the expense of implementation, including training;

14 (2) ~~The~~ the acquisition and maintenance of electronic audio and video
15 court recording and conferencing equipment; and

16 (3) ~~The~~ the acquisition, maintenance, and support of the Judiciary's
17 information technology network, including training.

1 Sec. 4. 4 V.S.A. § 27b is amended to read:

2 § 27b. ~~ELECTRONICALLY FILED VERIFIED DOCUMENTS~~ SELF-
3 ATTESTED DECLARATION IN LIEU OF NOTARIZATION

4 (a) ~~A registered electronic filer in the Judiciary's electronic document filing~~
5 ~~system may file any~~ Any document that would otherwise require the approval
6 or verification of a notary ~~by filing the document~~ may be filed with the
7 following language inserted above the signature and date:

8 "I declare that the above statement is true and accurate to the best of my
9 knowledge and belief. I understand that if the above statement is false, I will be
10 subject to the penalty of perjury or to other sanctions in the discretion of the
11 court."

12 (b) A document filed pursuant to subsection (a) of this section shall not
13 require the approval or verification of a notary.

14 (c) This section shall not apply to an affidavit in support of a search
15 warrant application, ~~or to~~ an application for a nontestimonial identification
16 order, an oath required by 14 V.S.A. §108, or consents and relinquishments in
17 adoption proceedings governed by Title 15A.

18 Sec. 5. 4 V.S.A. § 32 is amended to read:

19 § 32. JURISDICTION; CRIMINAL DIVISION

20 * * *

1 (c) The Criminal Division shall have jurisdiction of the following civil
2 actions:

3 * * *

4 (12) proceedings to enforce 9 V.S.A. chapter 74, relating to energy
5 efficiency standards for appliances and equipment; and

6 (13) proceedings to enforce 30 V.S.A. § 53, relating to commercial
7 building energy standards.

8 Sec. 6. 4 V.S.A. § 36(a) is amended to read:

9 (a) Composition of the court. Unless otherwise specified by law, when in
10 session, a Superior Court shall consist of:

11 * * *

12 Sec. 7. 12 V.S.A. § 5 is amended to read:

13 § 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

14 (a) The Court shall not permit public access via the Internet to criminal,
15 family, or probate case records. The Court may permit criminal justice
16 agencies, as defined in 20 V.S.A. § 2056a, Internet access to criminal case
17 records for criminal justice purposes, as defined in 20 V.S.A. § 2056a.

18 (b) This section shall not be construed to prohibit the Court from providing
19 electronic access to:

20 (1) court schedules of the Superior Court, or opinions of the Criminal
21 Division of the Superior Court;

1 substantive law, of actions of a civil nature of which they have jurisdiction,
2 other than actions for slander or libel and in which the plaintiff does not claim
3 as debt or damage more than ~~\$5,000.00~~ \$10,000.00. Small claims proceedings
4 shall be limited in accord with this chapter and the procedures made available
5 under those rules. The procedure shall not be exclusive, but shall be
6 alternative to the formal procedure begun by the filing of a complaint.

7 (b) Parties may not request claims for relief other than money damages
8 under this chapter. Nor may parties split a claim in excess of ~~\$5,000.00~~
9 \$10,000.00 into two or more claims under this chapter.

10 (c) In small claims actions where the plaintiff makes a claim for relief
11 greater than \$3,500.00, the defendant shall have the right to request a special
12 assignment of a judicial officer. Upon making this request, a Superior judge or
13 a member of the Vermont bar appointed pursuant to 4 V.S.A. § 22(b) shall be
14 assigned to hear the action.

15 (d) Venue in small claims actions shall be governed by section 402 of this
16 title.

17 (e) Notwithstanding this section or any other provision of law, the small
18 claims court shall not have jurisdiction over actions for collection of any debt
19 greater than \$5,000.00 arising out of:

- 20 (1) a consumer credit transaction as defined in 15 U.S.C. § 1679a; or
21 (2) medical debt as defined in 18 V.S.A. § 9481.

1 Sec. 10. 12 V.S.A. § 5804 is amended to read:

2 § 5804. OATH TO BE ADMINISTERED TO PETIT JURORS IN
3 CRIMINAL CAUSES

4 You solemnly swear or affirm that, without respect to persons or favor of
5 any ~~man~~ person, you will well and truly try and true deliverance make,
6 between the State of Vermont and the ~~prisoner at the bar~~ defendant, whom you
7 shall have in charge, according to the evidence given you in court and the laws
8 of the State. So help you God, or under the penalty of perjury pursuant to the
9 laws of the State of Vermont.

10 Sec. 11. 13 V.S.A. § 3016(c) is amended to read:

11 (c) A person who commits an act punishable under ~~33 V.S.A. § 2581(a) or~~
12 ~~(b)~~ 33 V.S.A. § 141(a) or (b) may not be prosecuted under this section.

13 Sec. 12. 13 V.S.A. § 7403 is amended to read:

14 § 7403. APPEAL BY THE STATE

15 (a) In a prosecution for a misdemeanor, questions of law decided against
16 the State shall be allowed and placed upon the record before final judgment.
17 The court may pass the same to the Supreme Court before final judgment. The
18 Supreme Court shall hear and determine the questions and render final
19 judgment thereon, or remand the cause for further trial or other proceedings, as
20 justice and the State of the cause may require.

1 (b) In a prosecution for a felony, the State shall be allowed to appeal to the
2 Supreme Court any decision, judgment, or order dismissing an indictment or
3 information as to one or more counts.

4 (c) In a prosecution for a felony, the State shall be allowed to appeal to the
5 Supreme Court from a decision or order:

6 (1) granting a motion to suppress evidence;

7 (2) granting a motion to have confessions declared inadmissible; or

8 (3) granting or refusing to grant other relief where the effect is to
9 impede seriously, although not to foreclose completely, continuation of the
10 prosecution.

11 (d) In making this appeal, the attorney for the State must certify to the court
12 that the appeal is not taken for purpose of delay and that:

13 (1) the evidence suppressed or declared inadmissible is substantial proof
14 of a fact material in a proceeding; or

15 (2) the relief to be sought upon appeal is necessary to avoid seriously
16 impeding such proceeding.

17 (e) The appeal in all cases shall be taken within seven business days after
18 the decision, judgment, or order has been rendered. In cases where the
19 defendant is detained for lack of bail, ~~he or she~~ the defendant shall be released
20 pending the appeal upon such conditions as the court shall order unless bail is
21 denied as provided in the Vermont Constitution or in other pending cases.

1 Such appeals shall take precedence on the docket over all cases and shall be
2 assigned for hearing or argument at the earliest practicable date and expedited
3 in every way.

4 (f) For purposes of this section, “prosecution for a misdemeanor” and
5 “prosecution for a felony” shall include youthful offender proceedings filed
6 pursuant to 33 V.S.A. chapter 52A, and the State shall have the same right of
7 appeal in those proceedings as it has in criminal proceedings under this section.

8 Sec. 13. 14 V.S.A. § 3098 is amended to read:

9 § 3098. VULNERABLE NONCITIZEN CHILDREN

10 * * *

11 (i) Confidentiality. In any judicial proceedings in response to a request that
12 the court make the findings necessary to support a petition for classification as
13 a special immigrant juvenile, information regarding the child’s immigration
14 status, nationality, or place of birth that is not otherwise protected by State
15 laws shall remain confidential. This information shall also be exempt from
16 public inspection and copying under the Public Records Act and shall be kept
17 confidential, except that the information shall be available for inspection by the
18 court, the child who is the subject of the proceeding, the parties, the attorneys
19 for the parties, the child’s counsel, and the child’s guardian.

1 Sec. 14. 23 V.S.A. § 1213 is amended to read:

2 § 1213. IGNITION INTERLOCK RESTRICTED DRIVER'S LICENSE OR
3 CERTIFICATE; PENALTIES

4 * * *

5 (g) The holder of an ignition interlock RDL or certificate shall operate only
6 motor vehicles equipped with an ignition interlock device, shall not attempt or
7 take any action to tamper with or otherwise circumvent an ignition interlock
8 device, and, after failing a random retest, shall pull over and shut off the
9 vehicle's engine as soon as practicable. ~~A~~ Except as provided in subsection (k)
10 of this section, a person who violates any provision of this section commits a
11 criminal offense, shall be subject to the sanctions and procedures provided for
12 in subsections 674(b)–(i) of this title, and, upon conviction, the applicable
13 period prior to eligibility for reinstatement under section 1209a or 1216 of this
14 title shall be extended by six months.

15 * * *

16 (k) A person shall not knowingly and voluntarily tamper with an ignition
17 interlock device on behalf of another person or otherwise assist another person
18 to circumvent an ignition interlock device. ~~A person adjudicated of a violation~~
19 ~~of~~ who violates this subsection shall be ~~subject to~~ assessed a civil penalty of ~~up~~
20 ~~to~~ not more than \$500.00.

21 * * *

1 Sec. 15. 4 V.S.A. § 1102 is amended to read:

2 § 1102. JUDICIAL BUREAU; JURISDICTION

3 (a) The Judicial Bureau is created within the Judicial Branch under the
4 supervision of the Supreme Court.

5 (b) The Judicial Bureau shall have jurisdiction of the following matters:

6 * * *

7 (31) Violations of 23 V.S.A. § 1213(k) relating to tampering with an
8 ignition interlock device on behalf of another person.

9 * * *

10 Sec. 16. 32 V.S.A. § 1591 is amended to read:

11 § 1591. SHERIFFS AND OTHER OFFICERS

12 There shall be paid to sheriffs' departments and constables in civil causes
13 and to sheriffs, deputy sheriffs, and constables for the transportation and care
14 of prisoners, juveniles, and patients with a mental condition or psychiatric
15 disability the following fees:

16 (1) Civil process:

17 (A) For serving each process, the fees shall be as follows:

18 (i) \$10.00 for each reading or copy in which the officer is directed
19 to make an arrest;

1 Sec. 17. 33 V.S.A. § 5117 is amended to read:

2 § 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

3 (a) Except as otherwise provided, court and law enforcement reports and
4 files concerning a person subject to the jurisdiction of the court shall be
5 maintained separate from the records and files of other persons. Unless a
6 charge of delinquency is transferred for criminal prosecution under chapter 52
7 of this title or the court otherwise orders in the interests of the child, such
8 records and files shall not be open to public inspection nor their contents
9 disclosed to the public by any person. However, upon a finding that a child is
10 a delinquent child by reason of commission of a delinquent act that would have
11 been a felony if committed by an adult, the court, upon request of the victim,
12 shall make the child's name available to the victim of the delinquent act. If the
13 victim is incompetent or deceased, the child's name shall be released, upon
14 request, to the victim's guardian or next of kin.

15 (b)(1) Notwithstanding the foregoing, inspection of such records and files
16 by or dissemination of such records and files to the following is not prohibited:

17 * * *

18 (I) the Department for Children and Families; ~~and~~

19 (J) the Office of the Child, Youth, and Family Advocate for the

20 purpose of carrying out the provisions in chapter 32 of this title;

1 (1) Prior to the preliminary hearing, the child shall be afforded an
2 opportunity to undergo a risk and needs screening, which shall be conducted
3 by the Department or by a community provider that has contracted with the
4 Department to provide risk and need screenings for children alleged to have
5 committed delinquent acts.

6 (2) If the child participates in such a screening, the Department or the
7 community provider shall report the risk level result of the screening, the
8 number and source of the collateral contacts made, and the recommendation
9 for charging or other alternatives to the State's Attorney. The State's Attorney
10 shall consider the results of the risk and needs screening in determining
11 whether to file a charge. In lieu of filing a charge, the State's Attorney may
12 refer a child directly to a youth-appropriate community-based provider that has
13 been approved by the Department, which may include a community justice
14 center or a balanced and restorative justice program. Referral to a community-
15 based provider pursuant to this subsection shall not require the State's Attorney
16 to file a charge. If the community-based provider does not accept the case or if
17 the child fails to complete the program in a manner deemed satisfactory and
18 timely by the provider, the child's case shall return to the State's Attorney for
19 charging consideration.

20 (3) Information related to the present alleged offense directly or
21 indirectly derived from the risk and needs screening or from other

1 conversations with the Department or community-based provider shall not be
2 used against the youth in the youth's case for any purpose, including
3 impeachment or cross-examination, provided that the fact of the youth's
4 participation in risk and needs screening may be used in subsequent
5 proceedings.

6 (4) If a charge is brought in the Family Division, the risk level result
7 shall be provided to the child's attorney.

8 (c) Referral to diversion. Based on the results of the risk and needs
9 screening, if a child presents a low to moderate risk to reoffend, the State's
10 Attorney shall refer the child directly to court diversion unless the State's
11 Attorney states on the record why a referral to court diversion would not serve
12 the ends of justice. If the court diversion program does not accept the case or
13 if the child fails to complete the program in a manner deemed satisfactory and
14 timely by the provider, the child's case shall return to the State's Attorney for
15 charging consideration.

16 * * *

17 Sec. 19. 33 V.S.A. § 5284 is amended to read:

18 § 5284. YOUTHFUL OFFENDER DETERMINATION AND DISPOSITION

19 ORDER

20 * * *

1 (c)(1) If the court approves the motion for youthful offender treatment after
2 an adjudication pursuant to subsection 5281(d) of this title, the court:

3 ~~(1)(A)~~ shall approve a disposition case plan and impose conditions of
4 juvenile probation on the youth; and

5 ~~(2)(B)~~ may transfer legal custody of the youth to a parent, relative,
6 person with a significant relationship with the youth, or Commissioner,
7 provided that any transfer of custody shall expire on the youth's 18th birthday.

8 (2) Prior to the approval of a disposition case plan, the court may refer a
9 child directly to a youth-appropriate community-based provider that has been
10 approved by the department and which may include a community justice center
11 or a balanced and restorative justice program. Referral to a community-based
12 provider pursuant to this subdivision shall not require the court to place the
13 child on probation. If the community-based provider does not accept the case
14 or if the child fails to complete the program in a manner deemed satisfactory
15 and timely by the provider, the child shall return to the court for further
16 proceedings, including the imposition of the disposition order.

17 (d) The Department for Children and Families and the Department of
18 Corrections shall be responsible for supervision of and providing services to
19 the youth until ~~he or she~~ the youth reaches 22 years of age. Both Departments
20 shall designate a case manager who together shall appoint a lead Department to
21 have final decision-making authority over the case plan and the provision of

1 services to the youth. The youth shall be eligible for appropriate community-
2 based programming and services provided by both Departments.

3 Sec. 20. 13 V.S.A. chapter 76A is added to read:

4 CHAPTER 76A. DOMESTIC TERRORISM

5 § 1703. DOMESTIC TERRORISM

6 (a) As used in this section:

7 (1) “Domestic terrorism” means engaging in or taking a substantial step
8 to commit a violation of the criminal laws of this State with the intent to:

9 (A) cause death or serious bodily injury to multiple persons; or

10 (B) threaten any civilian population with mass destruction, mass
11 killings, or kidnapping.

12 (2) “Serious bodily injury” shall have the same meaning as in section
13 1021 of this title.

14 (3) “Substantial step” means conduct that is strongly corroborative of
15 the actor’s intent to complete the commission of the offense.

16 (b) A person who willfully engages in an act of domestic terrorism shall be
17 imprisoned for not more than 20 years or fined not more than \$50,000.00, or
18 both.

19 (c) It shall be an affirmative defense to a charge under this section that the
20 actor abandoned the actor’s effort to commit the crime or otherwise prevented

1 its commission under circumstances manifesting a complete and voluntary
2 renunciation of the actor's criminal purpose.

3 Sec. 21. 13 V.S.A. § 1703 is amended to read:

4 § 1703. DOMESTIC TERRORISM

5 (a) ~~As used in this section:~~

6 (1) ~~“Domestic terrorism” means engaging in or taking a substantial step~~
7 ~~to commit a violation of the criminal laws of this State with the intent to:~~

8 (A) ~~cause death or serious bodily injury to multiple persons; or~~

9 (B) ~~threaten any civilian population with mass destruction, mass~~
10 ~~killings, or kidnapping.~~

11 (2) ~~“Serious bodily injury” shall have the same meaning as in section~~
12 ~~1021 of this title.~~

13 (3) ~~“Substantial step” means conduct that is strongly corroborative of the~~
14 ~~actor's intent to complete the commission of the offense.~~

15 (b) ~~A person who willfully engages in an act of domestic terrorism shall be~~
16 ~~imprisoned for not more than 20 years or fined not more than \$50,000.00, or~~
17 ~~both.~~

18 (c) ~~It shall be an affirmative defense to a charge under this section that the~~
19 ~~actor abandoned his or her effort to commit the crime or otherwise prevented~~
20 ~~its commission under circumstances manifesting a complete and voluntary~~
21 ~~renunciation of his or her criminal purpose. [Repealed.]~~

1 Sec. 22. 20 V.S.A. § 1940(b) is amended to read:

2 (b) If any of the circumstances in subsection (a) of this section occur, the
3 court with jurisdiction or, as the case may be, the Governor, shall so notify the
4 Department, and the person's DNA record in the State DNA database and
5 CODIS and the person's DNA sample in the State DNA data bank shall be
6 removed and destroyed. The Laboratory shall purge the DNA record and all
7 other identifiable information from the State DNA database and CODIS and
8 destroy the DNA sample stored in the State DNA data bank. If the person has
9 more than one entry in the State DNA database, CODIS, or the State DNA data
10 bank, only the entry related to the dismissed case shall be deleted. The
11 Department shall notify the person upon completing its responsibilities under
12 this subsection, by ~~certified~~ mail addressed to the person's last known address.

13 Sec. 23. 23 V.S.A. § 1213 is amended to read:

14 § 1213. IGNITION INTERLOCK RESTRICTED DRIVER'S LICENSE OR
15 CERTIFICATE; PENALTIES

16 (a)(1) An individual whose license or privilege to operate is suspended or
17 revoked under this subchapter may operate a motor vehicle, other than a
18 commercial motor vehicle as defined in section 4103 of this title, if issued a
19 valid ignition interlock RDL or ignition interlock certificate. Upon
20 application, the Commissioner shall issue an ignition interlock RDL or ignition

1 interlock certificate to an individual otherwise licensed or eligible to be
2 licensed to operate a motor vehicle if:

3 (A) the individual submits a \$125.00 application fee;

4 (B) the individual submits satisfactory proof of installation of an
5 approved ignition interlock device in any motor vehicle to be operated and of
6 financial responsibility as provided in section 801 of this title;

7 (C) at least one year has passed since the suspension or revocation
8 was imposed if the offense involved death or serious bodily injury to an
9 individual other than the operator; ~~and~~

10 (D) the applicable period set forth in this subsection has passed since
11 the suspension or revocation was imposed if the offense involved refusal of an
12 enforcement officer's reasonable request for an evidentiary test:

13 (i) 30 days for a first offense;

14 (ii) 90 days for a second offense; or

15 (iii) one year for a third or subsequent offense; and

16 (E) the individual is serving a suspension pursuant to section 2506 if
17 the individual was charged with a violation of subdivision 1201(a) of this title
18 and pled guilty to a reduced charge of negligent operation under section 1091
19 of this title, notwithstanding any points assessed against the individual's
20 driving record for the negligent operation offense under section 2502 of this
21 title.

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Sec. 24. 2017 Acts and Resolves No. 142, Sec. 5, as amended by 2021 Acts and Resolves No. 65, Sec. 4, and further amended by 2021 Acts and Resolves No. 147, Sec. 33, is further amended to read:

Sec. 5. REPEAL

13 V.S.A. §§ 5451 (creation of Vermont Sentencing Commission) and 5452 (creation of Vermont Sentencing Commission) shall be repealed on July 1, ~~2023~~ 2025.

Sec. 25. SENTENCING COMMISSION REPORT

On or before December 15, 2023, the Vermont Sentencing Commission shall report to the Senate and House Committees on Judiciary on whether any modifications should be made to the definitions of stalking in 13 V.S.A. § 1061 or 12 V.S.A. § 5131.

Sec. 26. 10 V.S.A. § 8222 is added to read:

§ 8222. ACCRUAL OF ENVIRONMENTAL CONTAMINATION CLAIMS

(a) A common-law or statutory claim based on environmental contamination shall accrue so long as the contamination remains on or in an affected property or natural resource.

(b) As used in this section:

(1) “Environmental contamination” means any hazardous material or hazardous waste as defined in 10 V.S.A. § 6602, or other substance or material

1 that has the potential to adversely affect human health or the environment (A)
2 on or in an affected property, including in buildings or other structures, or (B)
3 on or in a natural resource.

4 (2) "Natural resource" has the same meaning as in 10 V.S.A.
5 § 6615d(a)(8).

6 (c) Nothing in this section shall shorten or otherwise limit any later accrual
7 date that may apply under other source of law.

8 (d)(1) Except as otherwise provided in this subsection, and notwithstanding
9 1 V.S.A. §§ 213 and 214, or any other provision of law, this section shall apply
10 to:

11 (A) any action or proceeding commenced on or after the effective
12 date of this act; and

13 (B) any action or proceeding that is pending on the effective date of
14 this act.

15 (2) This section shall not revive claims subject to a final, nonappealable
16 judgment rendered prior to the effective date of this act.

17 (3) This section shall not apply to a criminal claim whose limitations
18 period expired prior to the effective date.

1 Sec. 27. 10 V.S.A. § 8015 is amended to read:

2 § 8015. STATUTE OF LIMITATIONS

3 Notwithstanding any other provision of law, actions brought under this
4 chapter or chapter 211 of this title shall be commenced within the later of:

5 (1) six years from the date the violation is or reasonably should have
6 been discovered; ~~or~~

7 (2) six years from the date a continuing violation ceases; or

8 (3) six years from the date of accrual under section 8222 of this title.

9 Sec. 28. 13 V.S.A. § 5451 is amended to read:

10 § 5451. CREATION OF COMMISSION

11 (a) The Vermont Sentencing Commission is established for the purpose of
12 overseeing criminal sentencing practices in the State, reducing geographical
13 disparities in sentencing, and making recommendations regarding criminal
14 sentencing to the General Assembly.

15 (b) The Commission shall consist of the following members:

16 * * *

17 (4) the Chair of the Senate Committee on Judiciary or designee;

18 (5) the Chair of the House Committee on Judiciary or designee;

19 * * *

1 Sec. 29. 13 V.S.A. § 3259 is amended to read:

2 § 3259. SEXUAL EXPLOITATION OF A PERSON WHO IS BEING
3 INVESTIGATED, DETAINED, ARRESTED, OR IS IN THE
4 CUSTODY OF A LAW ENFORCEMENT OFFICER

5 (a) No law enforcement officer shall engage in ~~a sexual act~~ sexual conduct
6 as defined in section 2821 of this title with a person whom the officer is
7 detaining, arresting, or otherwise holding in custody or who the officer knows
8 is being detained, arrested, or otherwise held in custody by another law
9 enforcement officer. For purposes of this section “detaining” and “detained”
10 include a traffic stop or questioning pursuant to an investigation of a crime.

11 (b)(1) No law enforcement officer shall engage in sexual conduct as
12 defined in section 2821 of this title with a person whom the officer:

13 (A) is investigating pursuant to an open investigation;

14 (B) knows is being investigated by another law enforcement officer
15 pursuant to an open investigation; or

16 (C) knows is a victim or confidential informant in any open
17 investigation.

18 (2) This subsection shall not apply if the law enforcement officer was
19 engaged in a consensual sexual relationship with the person prior to the
20 officer’s knowledge that the person was a suspect, victim, or confidential
21 informant in an open investigation.

1 ~~order, the court shall transmit the order for additional service by a law~~
2 ~~enforcement agency.~~ The clerk shall mail a copy of the order to the defendant
3 at the defendant's last known address.

4 * * *

5 Sec. 32. VERMONT SENTENCING COMMISSION REPORT ON
6 WHETHER TO ELIMINATE CASH BAIL

7 (a)(1) The Vermont Sentencing Commission, in consultation with the
8 entities designated in subdivision (2) of this subsection, shall identify the
9 conditions that would be required to move toward the elimination of the use of
10 cash bail for the purpose of mitigating risk of flight from prosecution and make
11 a recommendation as to whether cash bail should be eliminated in Vermont. If
12 the Commission proposes to eliminate cash bail, it shall provide a proposal that
13 does so.

14 (2) The Commission shall solicit input from:

15 (A) the Vermont Network Against Domestic and Sexual Violence;

16 (B) the Community Justice Unit of the Office of the Attorney

17 General;

18 (C) Vermont Legal Aid;

19 (D) the Vermont Office of Racial Equity;

20 (E) the Vermont chapter of the American Civil Liberties Union;

21 (F) the Vermont Freedom Fund; and

1 (G) national experts on bail reform.

2 (b) The Commission shall report its findings and recommendations to the
3 General Assembly on or before December 1, 2023.

4 Sec. 33. EFFECTIVE DATE

5 This act shall take effect on passage.